



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,591	02/26/2004	Espen Hauge	43315-201295	4343

26694 7590 11/16/2006

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
----------	--------------

1724

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,591

Applicant(s)

HAUGE ET AL.

Examiner

Robert J. Popovics

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 28, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

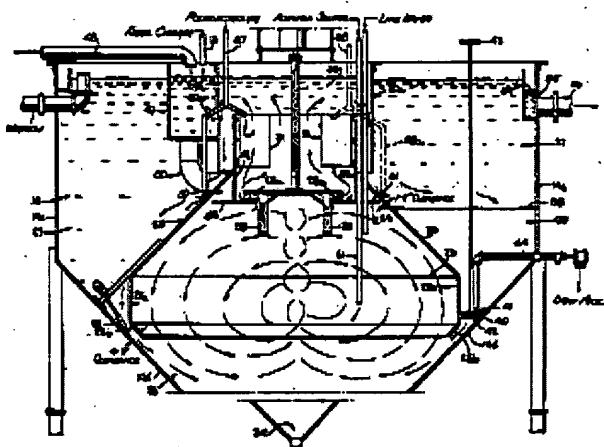
- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Rejections - 35 USC § 102***

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Keotellian (US 4,293,416). See jets 32 (Figs. 3 & 4; col. 9, lines 40-45).



Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keotellian (US 4,293,416). It is submitted that flushing at different rates is obvious.

Response to Arguments

Applicants' arguments filed **August 28, 2006** have been fully considered but they are not persuasive. Applicants have argued:

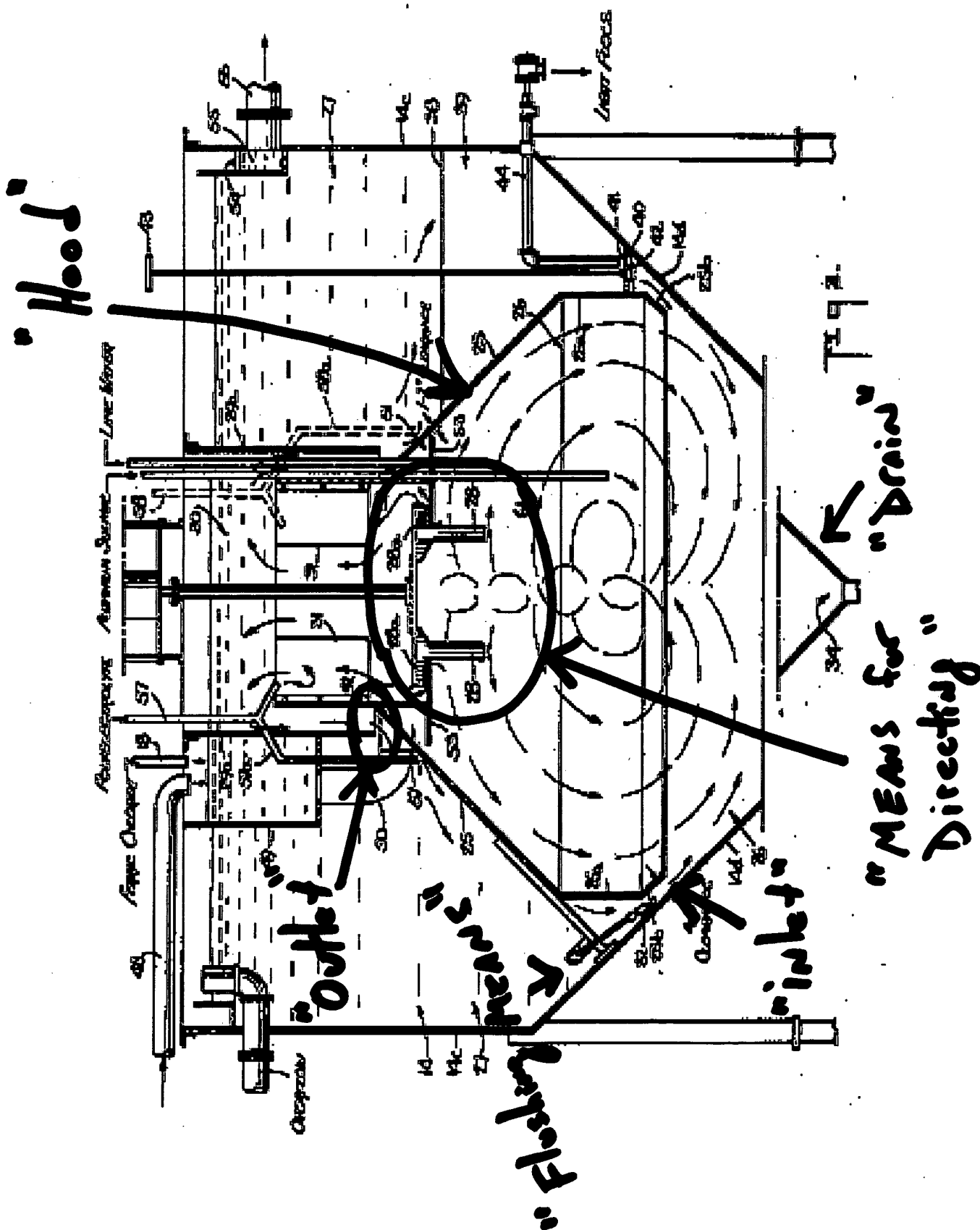
Keoteklian does not disclose the present invention as recited in claim 1 since, among other things, Keoteklian does not disclose a device that includes at least one inlet and at least one outlet arranged on a same side of a hood. Also, Keoteklian does not disclose a device that includes at least one outlet arranged on a level above the at least one inlet. Furthermore, Keoteklian does not disclose a device that includes means for directing fluids through a respective outlet opening in an essentially horizontal direction or in a direction towards a bottom surface of a fluid containment space. **[See column 8, lines 35-40]** In contrast, Keoteklian discloses directing fluids upwardly or substantially vertically from a primary mixing zone to a secondary mixing zone. Therefore, Keoteklian does not disclose the present invention as recited in claim 1,

Art Unit: 1724

claims 2-7, which depend from claim 1, or claim 8, which includes a device as recited in claim 1.

Keoteklian does not disclose the present invention as recited in claim 9 since, among other things, Keoteklian does not disclose a method that includes directing flushing fluid towards at least one inlet opening on a first side of a hood and making another part of the fluids flow through at least one outlet opening provided on the first side of the hood. Keoteklian also does not disclose that the outlet that a portion of the fluids are made to flow through is at a level above the inlet opening. Additionally, Keoteklian does not disclose making a portion of the fluid flow in an essentially horizontal direction or in a direction towards the bottom surface of the fluid containment space. **[See column 8, lines 35-40]** Rather, Keoteklian discloses directing fluids upwardly or substantially vertically from a primary mixing zone to a secondary mixing zone. Therefore, Keoteklian does not disclose the present invention as recited in claim 9 or claims 10-12, which depend from claim 9. **[Examiner's Remarks]**

The Examiner disagrees with Applicant's assertions. Please see the annotated copy of Figure 3 of Keoteklian on the next page.



Keotellian (US 4,293,416) is seen to meet the limitations specified in the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Robert J. Popovics at telephone number (571) 272-1164.

A large, stylized handwritten signature in black ink, likely belonging to Robert James Popovics, positioned above the printed name and title.

Robert James Popovics
Primary Examiner
Art Unit 1724